

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARCHIE HUTCHINSON,

Petitioner,

v.

CASE NO. 05-CV-70134-DT
HONORABLE LAWRENCE P. ZATKOFF

MICHIGAN PAROLE BOARD,

Respondent.

**ORDER DENYING PETITIONER'S MOTIONS FOR
APPOINTMENT OF COUNSEL AND ORAL ARGUMENTS**

Petitioner initiated this action on January 13, 2005, by filing a habeas corpus petition under 28 U.S.C. § 2254. The habeas petition challenges the Michigan Parole Board's decision to revoke Petitioner's parole because he associated with a known felon. This matter currently is pending before the Court on Petitioner's motions for appointment of counsel and oral arguments.

Petitioner alleges that he cannot retain counsel and that he is unable to investigate or prove disputed facts. He contends that oral argument would be helpful in deciding the federal constitutional issues presented in his habeas petition. Respondent, however, has urged the Court to deny the habeas petition on the ground that the parole revocation proceedings did not violate Petitioner's right to due process.

Petitioner has no absolute right to appointment of counsel on habeas review. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002) (citing *McCleskey v. Zant*, 499 U.S. 467, 495 (1987)), *cert. denied*, 538 U.S. 984 (2003). Furthermore, a preliminary review of the pleadings has persuaded the Court that oral arguments are not necessary and that the interests of justice do not

require appointment of counsel at this time. Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel [Doc. #11, Aug. 8, 2005] and his motion for oral arguments [Doc. #12, Aug. 8, 2005].

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: November 15, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 15, 2005.

s/Marie E. Verlinde

Case Manager

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